

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 685**

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**Introduced by Assembly Member Davis**

February 26, 2009

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An act to add 17070.54 to the Education Code, relating to school facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 685, as amended, Davis. School facilities: athletics: compliance with Title IX.

Existing law, known as the Leroy Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts state funding for the construction and modernization of school facilities, provided that the school districts demonstrate eligibility for this funding by complying with various requirements. The State Department of Education has specified responsibilities in the process of determining whether a project proposed for funding complies with pertinent requirements.

Existing federal law generally prohibits any person from being excluded from participation in, denied the benefits of, or subjected to discrimination under, any education program or activity receiving federal financial assistance.

This bill, with respect to athletics-related facilities only, *as defined*, would require the ~~School Facilities Planning Division~~ of the State Department of Education to include, as part of its review of an application for new construction plan approval, a determination of

whether the proposed project would ~~comply with the provision of federal law described above~~ provide the opportunity for gender equitable access to athletic facilities or provide equity in the size and quality of areas to be used exclusively by either boys or girls. The bill would require the State Department of Education to convene a working group to develop guidelines and procedures for the implementation of the bill. The bill would require the department to submit a report including the guidelines and procedures developed for implementing the bill, and including any additional pertinent recommendations, to the chairpersons of the Assembly and Senate committees on education no later than December 31, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 17070.54 is added to the Education Code,  
2     to read:  
3     17070.54. (a) (1) With respect to athletics-related facilities  
4     only, ~~the School Facilities Planning Division of the State~~  
5     Department of Education shall include, as part of its review of an  
6     application for new construction plan approval, a determination  
7     of whether the proposed project ~~would comply with Title IX of~~  
8     ~~the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).~~  
9     *design would accomplish either or both of the following:*  
10    (A) *Provide the opportunity for gender equitable access to*  
11    *athletic facilities.*  
12    (B) *Provide equity in the size and quality of areas to be used*  
13    *exclusively by either boys or girls, including, but not necessarily*  
14    *limited to, locker rooms, playing and practice facilities, or medical*  
15    *and training service areas.*  
16    (2) *As used in this section, “athletics-related facilities” include,*  
17    *but are not necessarily limited to, gymnasias, playing fields, and*  
18    *hardcourts proposed to be used for interscholastic sports*  
19    *sanctioned by the California Interscholastic Federation or for*  
20    *other extracurricular athletic events.*  
21    (b) (1) *The State Department of Education shall convene a*  
22    *working group to develop guidelines and procedures for*  
23    *implementation of subdivision (a) in a manner that is consistent*  
24    *with Sections 230 and 66271.6 and to make any recommendations*

1 *for changes that are necessary for the implementation of*  
2 *subdivision (a). The State Department of Education shall submit*  
3 *a report including the guidelines and procedures developed for*  
4 *implementing subdivision (a), and including any additional*  
5 *pertinent recommendations, to the chairpersons of the Assembly*  
6 *and Senate committees on education no later than December 31,*  
7 *2010.*

8 *(2) The Superintendent shall select the membership of the*  
9 *working group convened pursuant to this subdivision. This working*  
10 *group shall include one representative from each of the following:*

11 *(A) The School Facilities Planning Division of the State*  
12 *Department of Education.*

13 *(B) The Office of Equal Opportunity of the State Department*  
14 *of Education.*

15 *(C) The California Interscholastic Federation.*

16 *(D) The Civil Rights Enforcement Section of the State*  
17 *Department of Justice.*

18 *(E) A large urban school district.*

19 *(F) A rural school district.*

20 *(G) A suburban school district.*